IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION No. 9522 of 2005

Between:

1. Mohd.Ibrahim Saw Mill, Arsapally, Nizamabad rep., by legal heir

of Mohd.Ibrahim i.e., Mohd.Shabeer, s/o late Mohd.Ibrahim

r/o Arsapally, Nizamabad.
2. Smt.Mahamooda Begum, w/o. late Mohd.Ibrahim,
r/o Arsapally, Nizamabad.

..... PETITIONERS

AND

1. The Divisional Forest Officer, Nizamabad.
2. The Forest Range Officer, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of Mandamus directing the respondents herein more particularly the first respondent herein to renew the first petitioner saw mill licence and also for change the name of the licensee in the name of the 2nd petitioner, who is the wife of late Mohd.Ibrahim, who was the original owner of the saw mill as per the provisions of A.P. Saw Mill (Regulation) Rules, 1969, and also as per the amended Regulations which was amended vide G.O.Ms.No.99 Environment, Forests, Science and Technology (For.III) dt.17-7-98 which was published in A.P. Gazette, RS to Part-I (Ext.) dt.3-8-1998 r/w the provisions of A.P. Forest Act, 1967, within 4 weeks from the date of the order by duly declaring the action on the part of the respondents in not renewing the petitioner saw mill licence even after complying with all the formalities required under the above said rules as illegal, arbitrary and violative of Arts.14 and 21 of the Constitution of India and also contrary to A.P. Saw Mill (Regulations) Rules, 1969.

Counsel for the Petitioners: MR.V.RAVI KIRAN RAO
Counsel for the Respondent Nos.1 and 2: GP FOR FORESTS

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9522 OF 2005

ORDER :

The husband of the 2nd petitioner by name late Mohd. Ibrahim obtained a licence under the provisions of the A.P. Saw Mill (Regulation) Rules, 1969 for running the first petitioner saw mill. The licence was valid upto 31-12-2001. It is stated that an application was made on 27-11-2001 itself seeking renewal of the licence together with the required licence fee. However, it appears that the licensee died on 8-1-2002 and thereafter the sons of the licensee submitted no objection for change of the licence in favour of their mother, the second petitioner herein, and they also sought for renewal of licence.

The grievance of the petitioners is that the respondents failed to consider their request and the licence has not been renewed so far. On the other hand, the staff of the first respondent have been interfering with the business activities of the petitioners. Hence, this writ petition seeking a declaration that the alleged inaction on the part of the respondents is arbitrary, illegal and contrary to the provisions of A.P. Saw Mill (Regulation) Rules, 1969.

Having heard the learned Counsel for the petitioners and the learned Government Pleader for Forests appearing for the respondents, without expressing any opinion as to the entitlement of the petitioners for renewal of the licence in question, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to consider the application of the petitioners for renewal as well as for change of licence in favour of the second petitioner on the basis of no objection letter dated 8-12-2004 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. It is made clear that in case there is any objection for grant of

renewal as sought by the petitioners, it is open to the first respondent to raise such objection, but the same shall be communicated to the petitioners within two weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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26th April, 2005.

Note:- CC in a week.

(B/O)

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Divisional Forest Officer, Nizamabad.
2. The Forest Range Officer, Nizamabad.
3. Two C.Cs. to the Government Pleader for Forests, High Court Buildings, Hyderabad. (O.U.T.)

4. 2 CD copies

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